

This is a supplement to comments filed in November, and address an issue that is front page news in the broadcast community today.

The issue is 'trademarking' station nicknames. This includes such nicknames as 'Jammin' Oldies' 'Power' 'Kiss' 'Wild', and many others.

Clear Channel has mailed 'cease and desist' letters to several stations because they are already using some nicknames that they (Clear Channel) are using in markets they are entering with various formats. The instant matter was 'Kiss' in Philadelphia.

In many cases, these nicknames, used for 'imaging' the station, have been in use for many years and at many times long before anyone ever heard of the company that is making the claim against the other station.

The FCC rules should be modified to prohibit one station or ownership group from ordering another station or ownership group from saying that that other station cannot use the name because 'they have the rights to the name'. In the case of cases involving the 'Kiss' nickname, stations with this name go back to the mid-80s, such as KIYS Boise was at that time, using the 'Kiss' nickname (and a lip-print) in their graphic image used in advertising and the 'Kiss' nickname over the air. This was also the case with KIIS-FM (AM) in Los Angeles, as they used the name long before Clear Channel ever came into existence.

Prohibiting such trademarking would serve the public interest as it would make station managers more creative in coming up with a nickname for a station, thus enhancing the overall competition in a market, and make the decision to use one name or another a more local matter, rather than a corporate one.